

Amdt. dated September 18, 2009
Reply to Office action of March 18, 2009

Serial No. 10/537,636
Docket No. 94.04
Firm No. 0094.0004

Amendments to the Drawings

Submitted herewith are 187 replacement sheets that provide better quality drawings. There are no substantive changes to Sheets Nos. 1-187.

Attachment: Replacement Sheets

REMARKS/ARGUMENTS

Claims 1-4, 10-20, 23, 42-45, 51-61, 64, 83, and 93-107 are pending. New claims 93-107 have been added and depend from independent claim 83, either directly or indirectly.

Please note that references to paragraphs in the Specification are based on the originally filed Specification.

Under 37 C.F.R. 1.105, the Examiner requests that Applicants provide which portion(s) of the disclosure provide the written description and enablement support for the limitations in the previously presented, currently amended, and amended claims. Applicants are providing this information herein. Additionally, Applicants respectfully request a telephone interview so that Applicants may clarify any further questions the Examiner has with reference to the previously presented, currently amended, and amended claims.

Amended claims 1, 42, and 83 describe storing high risk zones that identify, for each of multiple landmarks, an associated peril and zones in proximity to the landmark, wherein each of the zones has associated loss factors (e.g., Specification, paragraph 23); receiving one or more locations to be covered under the insurance policy for one or more perils (e.g., Specification, paragraphs 44-56); and automatically assessing risk associated with the one or more locations, including generating rating results for the one or more perils, wherein the rating results indicate whether that peril may occur at each of the one or more locations by: selecting a high risk zone based on the one or more perils (e.g., Specification, paragraph 59); comparing the one or more locations with the selected high risk zone to determine whether the one or more locations are within the selected high risk zone (e.g., Specification, paragraph 60); and, in response to determining that at least one of the one or more locations are within the selected high risk zone, retrieving existing policies and associated covered locations that are also located within the selected high risk zone (e.g., Specification, paragraph 61); determining a probable maximum loss (PML) that indicates an amount of loss expected based on a total exposure underwritten for the selected high risk zone and the one or more perils times a loss factor (e.g., Specification, paragraph 62); determining whether the PML exceeds a PML limit (e.g., Specification, paragraph 62); in response to determining that the PML does not exceed the PML limit, issuing a

first report indicating that the insurance policy is to be issued (e.g., Specification, paragraph 62); and, in response to determining that the PML exceeds the PML limit, issuing a second report indicating that the insurance policy is not to be issued (e.g., Specification, paragraph 62). In addition at least Figure 3 provides written description and enablement support for amended claims 1, 42, and 83.

Claims 2, 43, and 93 describe wherein automatically assessing risk further comprises applying at least one business rule (e.g., Specification, paragraphs 77, 82, 84, 91, 108, 109, and 135).

Claims 3, 44, and 94 describe providing selection of at least one of an underwriting analysis and a risk analysis (e.g., Specification, paragraphs 44-64 and 94; Figures 3 and 5).

Claims 4, 45, and 95 describe providing setup of an event that may impact assessment of risk (e.g., Specification, paragraph 96; Figure 7).

Claims 10, 51, and 96 describe that a location is selected by at least one of a company search, an address search, or uploading a file (e.g., Specification, paragraph 114; Figure 12).

Claims 11, 52, and 97 describe that selection of a location by company search further comprises: receiving at least part of a company name; searching for the company name in a business data store; and retrieving at least one address from the searching (e.g., Specification, paragraph 114 and 124; Figures 12 and 16).

Claims 12, 53, and 98 describe determining that there are ambiguous addresses for the company name; and providing selection of at least one of the addresses (e.g., Specification, paragraphs 114 and 125; Figures 12 and 17).

Claims 13, 54, and 99 describe, wherein selection of a location by an address search further comprises: receiving a street address and at least one of a zip code and a city and state (e.g., Specification, paragraph 128).

Claims 14, 55, and 100 describe, wherein selection of a location by uploading a file further comprises: associating data in the file with a predefined format (e.g., Specification, paragraph 114 and 121; Figures 12 and 13).

Claims 15, 56, and 101 describe automatically geocoding the selected location (e.g., Specification, paragraph 117).

Claims 16, 57, and 102 describe, wherein the location can not be automatically geocoded and further comprising: providing use of a spatial interface to manually geocode the location (e.g., Specification, paragraph 125).

Claims 17, 58, and 103 describe, wherein automatically assessing risk further comprises: performing a proximity analysis (e.g., Specification, paragraph 164).

Claims 18, 59, and 104 describe wherein the rating results for at least one peril are displayed on a map (e.g., Specification, paragraph 91).

Claims 19, 60, and 105 describe providing drilldown into details of at least a portion of the rating results (e.g., Specification, paragraph 77).

Claims 20, 61, and 106 describe providing exporting of the rating results (e.g., Specification, paragraph 78).

Claims 23, 64, and 107 describe, wherein assessing risk associated with the location further comprises: assessing risk based on at least one of unbound policies and bound policies (e.g., Specification, paragraphs 78-87).

In response to the election/restriction requirement under 35 U.S.C. §121 set forth in the March 18, 2009 Office Action, Applicants as required by 37 C.F.R. § 1.143, elect for continued prosecution the claims of Group I (claims 1-4, 10-20, 23, 42-45, 51-61, 64, and 83). The non-elected groups are Group II (independent claims 5, 46, and 85 and respective dependent claims), Group III (independent claims 9, 50, and 89 and respective dependent claims), Group IV (independent claims 21, 62, and 90 and respective dependent claims), and Group V (independent claims 24, 41, 65, 82, 84, and 92 and respective dependent claims). Applicants have cancelled the non-elected claims.

The drawings are objected to as being blurred or illegible and of poor quality. Applicants are submitting Replacement Sheets for all figures to overcome the drawing objection.

Applicants respectfully request withdrawal of the drawing objection.

Claims 1-4, 10-20, 23, 42-45, 51-61, 64, and 83 are rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. Applicants respectfully traverse, but, in order to expedite prosecution, Applicants have amended claims 1, 42, and 83.

Amended claim 1 describes using a computer including a processor to perform elements of claim 1 (e.g., Specification, paragraphs 24-30 and 712-713; Figures 1 and 175). Claims 2-4, 10-20, and 23 depend from claim 1.

Amended claim 42 describes an article of manufacture comprising a computer readable medium storing a program for evaluating risk associated with underwriting an insurance policy, wherein the program, when executed on a processor of a computer, causes operations to be performed. For example, Applicants' Specification, paragraph 709, describes a computer readable medium, such as magnetic storage medium (e.g., hard disk drives, floppy disks, tape, etc.), optical storage (CD-ROMs, optical disks, etc.), volatile and non-volatile memory devices (e.g., EEPROMs, ROMs, PROMs, RAMs, DRAMs, SRAMs, firmware, programmable logic, etc.) and describes that code in the computer readable medium is accessed and executed by a processor. Claims 43-45, 51-61, and 64 depend from claim 42.

Claim 83 describes a processor; and hardware logic. For example, Applicants' Specification, paragraph 709, describes hardware logic (e.g., an integrated circuit chip, Programmable Gate Array (PGA), Application Specific Integrated Circuit (ASIC), etc.). New claims 93-107 depend from claim 83.

Claims 15 and 56 have been amended to remove the term "attempting".

Applicants respectfully request withdrawal of the 35 U.S.C. 101 rejection.

Claims 3-4, 11, and 44-45 are rejected under 35 U.S.C. 112, second paragraph. Applicants respectfully traverse, but, in order to expedite prosecution, Applicants have amended certain claims.

Claims 3, 4, 12, 15, 16, 19, 20, 44, 45, 53, 56, 57, 60, and 61 are rejected as including "enabling". Applicant have amended claims 3, 4, 12, 16, 19, 20, 44, 45, 53, 57, 60, and 61 to change "enabling" to "providing". Applicants respectfully submit that claims 15 and 56 do not include the term "enabling".

Claims 18 and 59 are rejected as including "capable". Applicants have amended claims 18 and 59 to remove the use of "capable".

Claims 15 and 56 are rejected as including "attempting". Applicants have amended claims 15 and 56 to remove the term "attempting".

Claims 1-4, 10-12, 14-17, 19-20, 23, 42-45, 51-53, 55-58, 59-61, 64, and 83 are rejected under 35 U.S.C. 102(b) as being anticipated by Hargrove Jr. et al. (US 5897613). Applicants respectfully traverse, but, in order to expedite prosecution, Applicants have amended claims 1, 42, and 83.

Applicants note that claim 59 appears to be rejected under 35 U.S.C. 103(a) and will be discussed below with reference to that rejection.

A prior art reference, in order to anticipate under 35 U.S.C. §102, must not only disclose all elements of the anticipated claim within the four corners of single document, but must also disclose those elements “arranged as in the claim”; this requirement, more accurately understood to mean “arranged or combined in the same way as in the claim,” applies to all types of claims and refers to a need for the anticipatory reference to show all limitations of claim arranged or combined in same manner recited in claim, not merely in particular order. *Net MoneyIN Inc. v. VeriSign Inc.*, 88 USPQ2d 1751 (Fed. Cir. 2008).

Applicants respectfully submit that the Hargrove patent does not disclose all elements of amended claims 1, 42, and 83 arranged or combined in the same way as in the claim.

Amended claims 1, 42, and 83 describe storing high risk zones that identify, for each of multiple landmarks, an associated peril and zones in proximity to the landmark, wherein each of the zones has associated loss factors (e.g., Specification, paragraph 23); receiving one or more locations to be covered under the insurance policy for one or more perils (e.g., Specification, paragraphs 44-56); and automatically assessing risk associated with the one or more locations, including generating rating results for the one or more perils, wherein the rating results indicate whether that peril may occur at each of the one or more locations by: selecting a high risk zone based on the one or more perils (e.g., Specification, paragraph 59); comparing the one or more locations with the selected high risk zone to determine whether the one or more locations are within the selected high risk zone (e.g., Specification, paragraph 60); and, in response to determining that at least one of the one or more locations are within the selected high risk zone, retrieving existing policies and associated covered locations that are also located within the selected high risk zone (e.g., Specification, paragraph 61); determining a probable maximum loss (PML) that indicates an amount of loss expected based on a total exposure underwritten for the selected high risk zone and the one or more perils times a loss factor (e.g., Specification, paragraph 62); determining whether the PML exceeds a PML limit (e.g., Specification,

paragraph 62); in response to determining that the PML does not exceed the PML limit, issuing a first report indicating that the insurance policy is to be issued (e.g., Specification, paragraph 62); and, in response to determining that the PML exceeds the PML limit, issuing a second report indicating that the insurance policy is not to be issued (e.g., Specification, paragraph 62).

On the other hand, the Hargrove patent describes that the overall objective is to lead a user through the collection of field-related data for a particular crop or crops . . . as the data is collected, it is validated against various regulatory requirements; if the data entered is sufficient to meet insurability requirements, then a rate is determined based on various rate tables and insurance can be issued. Thus, the Hargrove patent determines whether data entered is sufficient to meet insurability requirements, but this does not anticipate describe storing high risk zones that identify, for each of multiple landmarks, an associated peril and zones in proximity to the landmark, wherein each of the zones has associated loss factors; receiving one or more locations to be covered under the insurance policy for one or more perils; and automatically assessing risk associated with the one or more locations, including generating rating results for the one or more perils, wherein the rating results indicate whether that peril may occur at each of the one or more locations by: selecting a high risk zone based on the one or more perils; comparing the one or more locations with the selected high risk zone to determine whether the one or more locations are within the selected high risk zone; and, in response to determining that at least one of the one or more locations are within the selected high risk zone, retrieving existing policies and associated covered locations that are also located within the selected high risk zone; determining a probable maximum loss (PML) that indicates an amount of loss expected based on a total exposure underwritten for the selected high risk zone and the one or more perils times a loss factor; determining whether the PML exceeds a PML limit; in response to determining that the PML does not exceed the PML limit, issuing a first report indicating that the insurance policy is to be issued; and, in response to determining that the PML exceeds the PML limit, issuing a second report indicating that the insurance policy is not to be issued.

Thus, amended claims 1, 42, and 83 are not anticipated by the Hargrove patent.

Dependent claims 2-4, 10-12, 14-17, 19-20, 23, 43-45, 51-53, 55-58, 59-61, 64, 93-98, 100-103, and 105-107 each incorporate the language of one of independent claims 1, 42, and 83 and add additional novel elements. Therefore, dependent claims 2-4, 10-12, 14-17, 19-20, 23, 43-45, 51-53, 55-58, 59-61, 64, 93-98, 100-103, and 105-107 are not anticipated by the Hargrove

patent for at least the same reasons as were discussed with respect to independent claims 1, 42, and 83.

Claims 13, 54, 18, and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hargrove. Applicants respectfully traverse.

The Hargrove patent describes that the overall objective is to lead a user through the collection of field-related data for a particular crop or crops . . . as the data is collected, it is validated against various regulatory requirements; if the data entered is sufficient to meet insurability requirements, then a rate is determined based on various rate tables and insurance can be issued. Thus, the Hargrove patent determines whether data entered is sufficient to meet insurability requirements, and this teaches away from storing high risk zones that identify, for each of multiple landmarks, an associated peril and zones in proximity to the landmark, wherein each of the zones has associated loss factors; receiving one or more locations to be covered under the insurance policy for one or more perils; and automatically assessing risk associated with the one or more locations, including generating rating results for the one or more perils, wherein the rating results indicate whether that peril may occur at each of the one or more locations by: selecting a high risk zone based on the one or more perils; comparing the one or more locations with the selected high risk zone to determine whether the one or more locations are within the selected high risk zone; and, in response to determining that at least one of the one or more locations are within the selected high risk zone, retrieving existing policies and associated covered locations that are also located within the selected high risk zone; determining a probable maximum loss (PML) that indicates an amount of loss expected based on a total exposure underwritten for the selected high risk zone and the one or more perils times a loss factor; determining whether the PML exceeds a PML limit; in response to determining that the PML does not exceed the PML limit, issuing a first report indicating that the insurance policy is to be issued; and, in response to determining that the PML exceeds the PML limit, issuing a second report indicating that the insurance policy is not to be issued.

Thus, amended claims 1, 42, and 83 are not taught or suggested by the Hargrove patent.

Dependent claims 13, 54, 18, 59, 99, and 104 each incorporate the language of one of independent claims 1, 42, and 83 and add additional novel elements. Therefore, dependent

claims 13, 54, 18, 59, 99, and 104 are not taught or suggested by the Hargrove patent for at least the same reasons as were discussed with respect to amended claims 1, 42, and 83.

Conclusion

For all the above reasons, Applicants submit that the pending claims are patentable. Should any additional fees be required beyond those paid, please charge Deposit Account No. 50-0585.

The attorney of record invites the Examiner to contact her at (310) 553-7973 if the Examiner believes such contact would advance the prosecution of the case.

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